GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment – Forest Department – Sri M.V. Ramana, Bungalow Watcher, Kadapa Division – Submission of false certificate to secure the appointment – charge held proved – Termination from service – Imposed – Orders – Issued.

ENVIRONMENT, FORESTS SCIENCE & TECHNOLOGY (SEC.V) DEPARTMENT

G.O.MS.No. 41 Dated: 27-07-2017

Read the following:-

1) From the Principal Chief Conservator of Forests, A.P., Letter Rc. No. 12421/2005/T1, dated 15.12.2005 and 29.03.2006.
2) G.O.Ms.No.83, Environment, Forests, Science & Technology (For.V) Department, dated 24.06.2006.
3) From the Superintendent of Police, Kadapa, Letter C.No.1901/VR-SB/KDP /09, dated 02.03.2010.
4) Proceedings of the Divisional Forest Officer, Kadapa Division, YSR Kadapa district, Rc.No.724/2010/A10, dated 22.06.2011.
5) Proceedings of the Conservator of Forests, Kurnool, Rc. No. 5527/2011/M-3, dated 23.04.2012.
6) Orders of the Hon'ble A.P. Administrative Tribunal in O.A.No.2163 of 2012, dated 08.12.2014.
7) From the Principal Chief Conservator of Forests (HoFF), A.P., Letter Ref. No. 11610/2015/HR-2,l dated 06.07.2015.
8) Memo.No.4156/For.Sec.V/2015-1, Environment, Forests, Science & Technology (For.Sec.V) Department, dated 27.08.2015.
9) From the Principal Chief Conservator of Forests (HoFF), A.P., Letter Ref. No. 11610/2015/HR-2, dated 23.09.2015.

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O R D E R:

In the reference first read above, the Principal Chief Conservator of Forests, Andhra Pradesh has stated that Sri M.V. Ramana, S/o M. Subbarayudu is working as "Plantation Watcher" in the office of the Divisional Forest Officer, Kadapa of Kurnool Circle from 02.02.1984 and has completed a continuous service of more than 5 years as on 25.11.1993 and fulfilled the conditions as laid down in G.O.Ms.No.212, Finance & Planning (FW-PC.III) Department, dated 22.04.1994 and thus became eligible for absorption and regularization of his service. He passed IX Class and belongs to BC-B Community and his date of birth was 1.7.1969. The Principal Chief Conservator of Forests, A.P. has submitted a proposal for absorption and regularization of services of Sri M. V. Ramana, Plantation Watcher, O/o the Divisional Forest Officer, Kadapa Division against the vacancy of "Bungalow Watcher" existing at roster point No. 85, BC-B. Accordingly, in G.O. second read above, Government have issued orders to regularize the services of Sri M.V. Ramana, in the category of "Bungalow Watcher" against the vacancy existing at Roster Point No. 85, BC-B in the Office of the Divisional Forest Officer, Kadapa Division, with prospective effect.

2. In connection with commencement of his probation, the attestation forms were obtained from Sri M.V. Ramana, s/o M. Subbarayudu, Bungalow Watcher, O/o the Divisional Forest Officer, Kadapa and sent to the Superintendent of Police, Kadapa for Verification of antecedents and character of the individual. In the reference third read above, the Superintendent of Police, Kadapa has reported that during the course of verification of the school records of Zilla Parishad High School, Yeguvapalli of Pendlimarri Mandal, it is found that the certificate is not genuine as per School Records.

(P.T.O)

3. The competent authority has initiated the disciplinary proceedings against him for producing false study certificate and breach of rules exhibiting breach of trust and un-becoming of a Government servant. After following the due procedure under A.P. Civil Services (CC & A) Rules, 1991, the Divisional Forest Officer, Kadapa Division has awarded the penalty of dismissal from service against Sri M.V. Ramana, bungalow Watcher, O/o the Divisional Forest Officer, Kadapa, for the charge held proved for committing breach of rules and producing false certificate and obtained appointment of Bungalow Watcher, vide reference fourth read above. Aggrieved by the penalty, the individual has preferred an appeal to the Conservator of Forests, Kurnool. The Appellate Authority and the Conservator of Forests, Kurnool has rejected the appeal vide reference fifth read above.

4. Aggrieved by the action of the disciplinary authority in having awarded the penalty of dismissal from service and the appellate authority in having rejected the appeal, Sri M.V. Ramana, has filed O.A.No.2163 of 2012 in the Hon'ble Andhra Pradesh Administrative Tribunal praying to set aside the impugned Rc.No. 724/2010/A10, dated 22.6.2011 passed by the Divisional Forest Officer, Kadapa Division. In its order, dated 08.12.2014, the Hon'ble A.P. Administrative Tribunal, allowed the O.A. and set-aside the penalty of dismissal imposed through the reference fourth read above and remitted back the matter to the 1st respondent-Government to take dispassionate view in the matter taking into consideration the past 26 years of service of the applicant and his age now. The Hon'ble A.P. Administrative Tribunal has further directed the Government to continue the applicant as Bungalow Watcher, if no educational qualification is required for the post, or at least revert him to the post of Plantation Watcher or any equivalent post, so as to save his family from starvation and that the applicant be continued as Bungalow Watcher till such time the 1st respondent-Government takes a decision in the matter, as an interim measure, and pay him salary, if it is still vacant. He is not entitled for any past service or service as Bunglow Watcher.

5. In compliance of the directions of the Hon'ble A.P. Administrative Tribunal, the individual was reinstated into service, pending decision by the Government, as an interim measure.

6. Government have examined the direction of the Hon'ble A.P. Administrative Tribunal in the reference sixth read above, in the light of the special rules, instructions and law laid down by the Hon'ble Supreme Court in similar cases. According to the orders issued in G.O.Ms.No.88, E.F.S. & T. (For.IV) Dept., dated 19.07.2000, the method of appointment to the post of Plantation Watcher, Bungalow Water is by direct recruitment and the qualifications are (i) must have passed 6th Class; and (ii) must possess physical requirement. The qualification for the said posts was enhanced to a pass in 10th Class, vide G.O.Ms.No.12, EFS&T (For.V) Dept., dt. 17.2.2012. Therefore, in the Special Rules for the A.P. Forest Subordinate Service, educational qualifications are prescribed for the posts of Plantation Watcher, Bungalow Watcher, Guest House Watcher, Depot Watcher, Boat Sarang and the applicant was not possessed the requisite qualification to hold the said posts. According to the instructions issued in Memo.No.261/Ser-C/93, General Administration (Ser.C) Department, dated 16.01.1993, whenever it is found that a Government servant had furnished false information or produced a false certificate in order to secure appointment, he should not be retained in service.

7. Further, In Ram Saran Vs. I.G. of Police (2006(2)SCALE 131), the Hon'ble Supreme Court held that where an employee submitted false date of birth certificate at the time of appointment, dismissal of the employee of proper and no other penalty could be imposed. The Hon'ble Supreme Court took the same view in its judgment reported in Bank of India Vs. Avinash (AIR 2005 SC 3395), Central Airman Selection Board Vs. Surender Kumar Das (AIR 2003 SC 240) and Union of India Vs. M. Bhaskaran (1995 (6)SCALE214).

(P.T.O)

8. Government observe that in view of the instructions issued by the General Administration (Ser.C) Department and the Judgments of the Hon'ble Supreme Court , whenever it is found that an employee secured appointment by producing false certificate, his services can be terminated. Accordingly, Government direct that the services of Sri M. V. Ramana, S/o M. Subbarayudu, working as Bungalow Watchers in the Office of the Divisional Forest Officer, Kadapa Division shall be terminated forthwith.

9. The Principal Chief Conservator of Forests (HoFF), Andhra Pradesh shall take further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri M.V. Ramana, Bungalow Watcher,
O/o DFO, Kadapa through the Principal Chief Conservator of Forests (HoFF), Andhra Pradesh, Guntur.
The Principal Chief Conservator of Forests (HoFF), Andhra Pradesh, Guntur.
The Conservator of Forests, Kurnool.
The Divisional Forest Officer, Kadapa.
The District Treasury Officer, Kadapa.
SF/SC.

// FORWARDED: BY ORDER //

SECTION OFFICER